

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JOHN MANN ANDERSON,

Plaintiff,

v.

Case No. 22-C-270

CHERYL A. JEANPIERRE, et al.,

Defendants.

**ORDER GRANTING MOTION FOR LEAVE TO FILE AMENDED COMPLAINT
AND DENYING MOTION FOR PRELIMINARY INJUNCTION**

Plaintiff John Mann Anderson, who is representing himself, is proceeding on the following claims: (1) an Eighth Amendment deliberate indifference claim against Laura Sukowaty, Cheryl Jeanpierre, Robert Weinman, Jessica Hosfelt, and Whitney Pitzlin regarding the failure to treat his painful bladder condition; (2) a First Amendment retaliation claim against Jeanpierre, Weinman, Hosfelt, and Pitzlin regarding falsified medical documents used to deny medical care for his painful bladder condition; and (3) a Fourteenth Amendment due process claim against Jeanpierre regarding termination from the institution's pain management/chronic disease program without notice and hearing. Dkt. No. 15.

On July 15, 2022, Plaintiff filed a motion for leave to file an amended complaint, along with a proposed amended complaint. Dkt. No. 26. Plaintiff realleged all of the facts and allegations from his prior amended complaint. *Compare* Dkt. No. 13 with Dkt. No. 26-1 at ¶¶10-30 & 71-87. He also added new facts and allegations that are sufficient to give rise to at least an inference that defendants Paula Stelsel and John Tuten were deliberately indifferent towards his painful bladder condition, *id.*, ¶¶6-7, 31-67, & 78-81, and that defendant Whitney Pitzlin retaliated

against him for filing a lawsuit, *id.*, ¶¶68-70, & 88-91. Accordingly, the Court will grant the motion for leave to file an amended complaint. The Clerk's office is directed to detach the proposed amended complaint and file it as the operative Second Amended Complaint in this case. Defendants shall file an answer to the Second Amended Complaint. Plaintiff is advised that no further amendments to the complaint will be granted. The case will move forward at this point.

Plaintiff also filed a motion for a preliminary injunction asking the Court to immediately reinstate his Gabapentin prescription for bladder pain. Dkt. No. 25. Defendants filed a response to the motion explaining that they do not yet have a release from Plaintiff for his medical records, and they will be in a better position to respond to the motion once the release is executed. Dkt. No. 28. They also explain that Plaintiff is simply demanding specific medical care, which he is not constitutionally entitled to, and that his allegations show he is being regularly seen, prescribed multiple recommended medications, and treated with specialists for his condition. *Id.* Plaintiff, in response, supplemented his motion with over 200 pages of his medical records. *See* Dkt. No. 31-32, & 34.

Because the record remains unclear and the defendants have not been able to access Plaintiff's medical records to prepare a more thorough response, the Court will deny the motion for a preliminary injunction without prejudice at this time. Plaintiff may refile his motion for a preliminary injunction, but the motion must be concise and only attach directly relevant information. Plaintiff has already been advised several times not to inundate the Court with hundreds of pages of filings. Dkt. Nos. 11, 15, & 24. Plaintiff should also timely execute his medical release. That will allow Defendants the opportunity to properly respond to the motion for injunctive relief based on his full medical record with evidentiary support for their arguments.

IT IS THEREFORE ORDERED that Plaintiff's motion for leave to file an amended complaint (Dkt. No. 26) is **GRANTED**. The Clerk's office is directed to detach the proposed amended complaint (Dkt. No. 26-1) and file it as the operative Second Amended Complaint in this case.

IT IS FURTHER ORDERED that, pursuant to an informal service agreement between the Wisconsin Department of Justice and this Court, copies of Plaintiff's Second Amended Complaint and this order are being electronically sent today to the Wisconsin Department of Justice for service on Defendants.

IT IS FURTHER ORDERED that, pursuant to the informal service agreement between the Wisconsin Department of Justice and this Court, Defendants shall file a responsive pleading to the Second Amended Complaint within **sixty days** of receiving electronic notice of this order.

IT IS FURTHER ORDERED that Plaintiff's motion for a preliminary injunction (Dkt. No. 25) is **DENIED** without prejudice.

Dated at Green Bay, Wisconsin this 29th day of August, 2022.

s/ William C. Griesbach

William C. Griesbach
United States District Judge